
Publish date:
1/14/2013

WQC number: 848-0264-WQC-1

Public Notice

Closing Date:
2/12/2013

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits

RECEIVED
DIVISION OF MINE PERMITS

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Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. Applicant Name: Infinity Energy, Inc.
Mailing Address: PO Box 838, North 19th Street
Middlesboro, KY 40965
Contact Person: Jon Lawson
Telephone No: (276) 328-3421
E Mail Address: jon.lawson@justicecorporation.com

2. Consultant Name & Address: N/A

Telephone No. ()
E Mail Address:

3. Provide a brief description of the proposed activity and stream impact.
This application proposes an Individual WQC Permit for an existing sediment structure SS-1 that is being permitted under a USACE Nationwide Permit 43, DNR permit 848-0264 is the permit area. 562 linear feet of intermittent stream is included.

4. Project Location Information:

County Harlan ; USGS Quadrangle Name Bledsoe

Nearest Community & Road Intersection: Bledsoe, Rt. 2009 and Hwy 221

Longitude 36-55-35 Latitude 83-20-14 (Approximate center of the project area)

5. List the names of all streams affected by the proposed project: Unnamed
Tributary to Opossum Hollow

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

SS-1,	appx.		drainage	acres
		331		

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

SS-1, 562 linear feet of intermittent stream temporary sediment structure.

8. Provide the acreage of wetlands that would be impacted: 1.70 ac, (intermittent stream)

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

Near Bledsoe, at intersection of HWY 221 and Rt. 2009, approximately 1.5 miles left on Haulroad D at Permit 848-0264.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No _____. If yes, indicate type of application:

NW 12 ____ NW 14 ____ NW 21 ____ NW 27 ____ NW 49 ____
NW 50 ____ Individual ____ Other X NWP-43

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 848-0264, KPDES No. KYG046318

12. The following attachments must be provided:


- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

Watershed Map, Topo Map with Proposed Project Area, NWP 43 application.

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:



, Date: 1/3/13

If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

**WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601**